

# Housing and Property Chamber

## First-tier Tribunal for Scotland

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### **Decision with Statement of Reasons of the First-tier Tribunal for Scotland (Housing and Property Chamber) under Section 33 of the Housing (Scotland) Act 1988**

**Chamber Ref:** FTS/HPC/EV/22/1880

**Re:** Property at 11 Palmer Street, Arbroath, DD11 1HG (“The Property”)

#### **Parties:**

Mr Bryan Park t/a Greenworld Investments, 8 Hill Road, Arbroath, DD11 1BX (“The Applicant”)

Mr John Devenney, 11 Palmer Street, Arbroath, DD11 1HG (“The Respondent”)

#### **Tribunal Members;**

Mark Thorley (Legal Member) and Gerard Darroch (Ordinary Member)

#### **Decision (in absence of the Respondent)**

The First Tier Tribunal for Scotland (Housing and Property Chamber) (“The Tribunal”) determined that an order for eviction be granted.

#### **Background**

The applicant applied to the First Tier Tribunal for Scotland (Housing and Property Chamber) by application dated 13<sup>th</sup> June 2022. Accompanying the application was a significant amount of documentation namely the following:

1. Lease dated the 20<sup>th</sup> August 2017
2. Rent arrears statement
3. Notice to quit dated 7<sup>th</sup> July 2021
4. AT 6 Dated 7<sup>th</sup> July 2021
5. Execution of Service dated 9<sup>th</sup> July 2021
6. Notice to quit dated 8<sup>th</sup> December 2021
7. AT 6 Dated 8<sup>th</sup> December 2021
8. Execution of Service from Killean & Co dated 8<sup>th</sup> December 2021
9. Letter to Mr John Devenney dated 9<sup>th</sup> March 2022
10. Proof of Delivery dated 10<sup>th</sup> March 2022
11. Letter to Mr John Devenney dated 12<sup>th</sup> April 2022

12. Section 11 notice to Angus Council, dated 13<sup>th</sup> June 2022

13. Proof of Service Section 11 notice by Email

The application was acknowledged by the tribunal on 17<sup>th</sup> June 2022. Certain further information was requested from the applicant. That information was provided.

On 3<sup>rd</sup> August 2022, the application was accepted for determination. A case management discussion was set up for 14<sup>th</sup> October 2022. The application and paperwork was served on the respondent by Sheriff Officer on 1<sup>st</sup> September 2022.

No written representations have been received from the respondent.

### **Case Management Discussion**

At the Case Management Discussion, Mr Beatty, solicitor, appeared on behalf of the applicant. There was no appearance by or for the Respondent.

Mr Beatty advised that the Respondent had contacted his office and left a message to the effect of 'how long do I have before I have got to get out.'

### **Findings in Fact**

The Parties entered into a tenancy agreement dated 20<sup>th</sup> August 2017 for the property at 11 Palmer Street, Arbroath.

Rent was due to be paid at the sum of £280 per month with a commencement date of 1<sup>st</sup> September 2017.

The Respondent has not made a payment of rent since November 2019. He is significantly in arrears of rent now to the extent of £11,920.48.

He has breached the terms of his tenancy agreement.

### **Reasons for Decision**

The paperwork was in order. The respondent has received the paperwork. The respondent appears to have accepted that he requires to leave the property. He contacted the solicitors acting on behalf of the applicant and requested confirmation of how long he had before he had to move. He appeared to implicitly accept that he had breached the terms of his tenancy agreement.

The arrears here are significant. The applicant has not paid any rent in approaching three years. The rent is a modest one at £280 per month but still arrears now have accrued to almost £11,000.

The Tribunal accepted the evidence contained within the paperwork and the evidence provided by the solicitor and granted the order.

### **Decision**

To grant an order of eviction.